

UNITED STATES BANKRUPTCY  
COURT SOUTHERN DISTRICT OF  
NEW YORK

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In re:

Debra Marin

Chapter 13  
Case No. 12-23649 (RDD)

Debtor.  
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**SCHEDULING AND PRE-TRIAL ORDER**

**The parties cannot amend this order by stipulation or otherwise, and the Court will not amend it unless presented with (i) proof of cause beyond the control of the party seeking amendment and (ii) timely application as soon as possible after the party seeking amendment learns of the cause. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTION. If delay or other act or omission of your adversary may result in a sanction against you, it is incumbent on you to promptly bring this matter to the Court for relief.**

It is hereby ORDERED as follows:

1. All discovery in connection with the above debtor's objection to the claim of Carla Marin, as executrix, in this case (the "Claim Dispute") shall be completed by July 15, 2015. All documents properly requested under Article VII of the Federal Rules of Bankruptcy Procedure must be received by the party so requesting by July 10, 2015. In the event of dispute over discovery, the parties' counsel shall promptly confer to attempt in good faith to resolve the dispute. If, notwithstanding their good faith efforts to do so, they are unable to resolve a discovery issue, they shall promptly inform the Court by letter of the nature of the dispute and request a telephonic discovery conference. At the conference, the Court will ask the parties about their prior efforts to resolve the dispute.
2. The Court will hold an evidentiary hearing on the Claim Dispute on September 1, 2015 at 10:00AM. Direct testimony by witness under the party's control shall be provided by declaration or affidavit, served, filed and provided to chambers at least two days before the evidentiary hearing. The declarant shall be present at the hearing for cross-examination and re-direct. The parties shall meet and confer and

agree in good faith on the admissibility of as many exhibits as possible and submit a joint exhibit book to chambers at least two day before the evidentiary hearing.

Dated: White Plains, New York  
July 8, 2015

/s/ Robert D. Drain  
**Hon. Robert D. Drain, USBJ**